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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/629,312 | 07/28/2003 | Chia-Ching Chiu | HOP1119513 | 6598 |

26389 7590 03/24/2005

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EXAMINER

DEVORE, PETER T

ART UNIT PAPER NUMBER

3751

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/629,312 | CHIU, CHIA-CHING | |
| | Examiner | Art Unit | |
| | Peter T deVore | 3751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8-12, 14 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9-12, 14, 20, 24-31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claim 32 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the originally claimed invention is drawn solely to a heat seal connection between the tubular members. An alternative adhesive connection was not originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 32 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 10, 14, 20, 24-26, 28, 29, 31, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Mizrach.

The Everard reference discloses a portable washing device comprising a bottom wall, inflatable side walls comprising stacked tubular members, the upper member being

C-shaped, and a drain outlet (See Figures 1 and 2), but does not disclose an opening, an air valve, a drain valve, or reinforcement between the tubular members. However, the Tickle reference discloses a similar device including a drain valve 45 to prevent drainage during usage of the device. It would have been obvious to one of ordinary skill in the art to employ a drain valve on the Everard device in view of Tickle to prevent drainage during usage of the device. Also, the Martin reference discloses a similar device including an opening 40 and an air valve 42 for convenient inflation of the device. It would have been obvious to one of ordinary skill in the art to employ an opening and an air valve on the Everard device in view of Martin for convenient inflation of the device, and to employ reinforcement between the tubular members of the Everard device in view of Martin to stabilize the device. Also, the Mizrach reference discloses a similar device including means for preventing separation comprising transverse bulbous structure of increased contact area (see col. 1, lines 59-61 and Figure 3) for improved structural integrity. It would have been obvious to one of ordinary skill in the art employ means for preventing structure separation comprising transverse structure on the Everard device in view of Mizrach to stabilize the device

Claims 11, 12, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Mizrach as applied to claims 1 and 28 above, and further in view of Hajek.

The Everard reference discloses a device as discussed supra, but does not disclose the use of an inflatable head support structure. However, attention is directed to the Hajek reference, which discloses a similar device including an inflatable head

support structure 36 for improved comfort of the user. It would have been obvious to employ an inflatable head support structure on the modified Everard device in view of the teachings of Hajek for improved comfort of the user.

Claims 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Mizrach as applied to claims 1 and 31 above, and further in view of Kirsch.

The Everard reference discloses a device as discussed supra, but does not disclose the use of a heat seal for additional reinforcement. However, attention is directed to the Kirsch reference, which discloses a similar device including a heat seal between two layers for improved structural integrity (see col. 2, line 12-15). It would have been obvious to use a heat seal between two layers of the modified Everard device in view of the teachings of Kirsch for improved structural integrity.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T deVore whose telephone number is (571) 272-4884. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pd *Pd*

Justine R. Yu
JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

3/7/05